



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

Writer's Direct Telephone No.  
(212) 416-8624

ANDREW M. CUOMO  
Attorney General

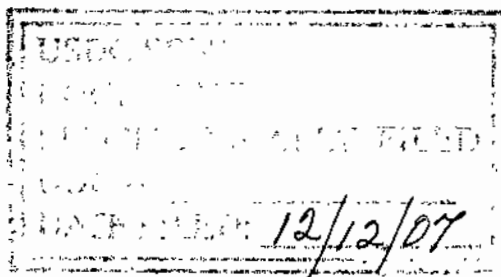
CRIMINAL DIVISION  
Federal Habeas Corpus Section

**MEMO ENDORSED**

December 11, 2007

**BY FAX**

Honorable Douglas F. Eaton  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street, Room 1360  
New York, New York 10007-1312  
Fax: (212) 805-6181



Re: Roberto Velazquez v. William Lape, Supt., et al.  
07 Civ. 7228 (CM) (DFE)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. By order dated September 26, 2007, and received by this office on October 2, 2007, Your Honor directed respondent to file its response to the petition for a writ of habeas corpus by December 14, 2007.

We have requested the relevant state court records, but have had difficulty obtaining the District Attorney's Appellate Division brief. Additionally, I have four district court habeas responses and one Second Circuit habeas brief due in the next two months, in addition to a scheduled oral argument in the Second Circuit.

Therefore, I respectfully request an extension of time until January 30, 2008 to respond to the habeas petition. No previous extensions have been sought in this matter. Also, I have contacted petitioner's counsel, Frances A. Gallagher, Esq., and she consents to this extension request. If this Court grants this extension, any reply will continue to be due within thirty days from the date respondent mails the answer.

Thank you for your consideration.

*12/12/07 - I approve this  
revised briefing schedule.*

*Douglas F. Eaton*

Respectfully submitted,

*Ashlyn H. Dannelly*

Ashlyn H. Dannelly  
Assistant Attorney General  
Habeas Corpus Section

**MEMO ENDORSED**

cc (by Fax):

Frances A. Gallagher, Esq.  
The Legal Aid Society  
Criminal Appeals Bureau  
199 Water Street - Fifth Floor  
New York, New York 10007  
Fax: (212) 577-3525